

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

BRUCE TODD BURKS

Plaintiff,

v.

ALEX CAVE, BARBARA KELLY, CARL L.  
GROMEK,

Defendants.

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Case Number 10-10685-BC  
Honorable Thomas L. Ludington  
Magistrate Judge Charles E. Binder

**ORDER ADOPTING REPORT AND RECOMMENDATION, GRANTING IN PART  
AND DENYING AS MOOT IN PART PLAINTIFF'S MOTION TO DISMISS AND  
DEFENDANTS' MOTIONS TO DISMISS, AND DISMISSING PLAINTIFF'S  
COMPLAINT WITH PREJUDICE**

This matter is before the Court on a report and recommendation issued by Magistrate Judge Charles E. Binder on May 11, 2010. Judge Binder recommends that the Court dismiss Plaintiff's complaint based on Defendants' quasi-judicial immunity to Plaintiff's claims. This issue was raised in Defendants' motions to dismiss, and Plaintiff conceded in his own motion to dismiss that Defendants were entitled to dismissal on that ground. As of today's date, no party has filed any objections to Judge Binder's report and recommendation. The decision to not object to the Judge Binder's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, it is **ORDERED** that the report and recommendation [Dkt # 14] is **ADOPTED**.

It is further **ORDERED** that Defendants Cave and Kelly's motion to dismiss [Dkt. # 8], Defendant Gromek's motion to dismiss [Dkt. # 10], and Plaintiff's motion to dismiss [Dkt. # 12] are **GRANTED IN PART** and **DENIED AS MOOT IN PART**.

It is further **ORDERED** that Plaintiff's complaint is **DISMISSED WITH PREJUDICE**.

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

Dated: June 9, 2010

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on June 9, 2010.

s/Tracy A. Jacobs  
TRACY A. JACOBS